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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/905,039
Filing Date: July 12, 2001
Appellant(s): DEMOS, GARY A.

Dwight Thompson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/15/07 appealing from the Office action
mailed 2/16/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 8-15, 37-44, 66-73, and 88-90 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Naimpally et al (5,294,974).

Naimpally et al, in Figures 2 and 5, discloses a high-definition video encoding system having color-sensitive quantization using the same method for reducing chroma noise as specified in claims 8-15, 37-44, 66-73, and 88-90 of the present invention, comprising in a YUV video image compression system using macroblocks 330 and quantization parameters during compression, including utilizing a variable quantization step size and a quantization parameter (QP) to represent a size of a step where an increase in the QP corresponds to a larger quantization step size, selecting one of reducing chroma noise during compression of a color video image 110 and achieving higher compression during compression of the color video image (e.g. B-Y, R-Y); in response to selecting reducing chroma noise, utilizing a first QP value for the Y luminance channel of a color video image for a first macroblock (e.g. Fig. 3), and utilizing a second QP value for at least one of the U and V color channels of the color video image for the first macroblock, wherein the second QP value is dependent only upon a relationship to the first QP value (col. 5, lines 41-46; i.e. B-Y and R-Y use finer QP than Y); and in response to selecting achieving higher compression utilizing a first QP value for the Y luminance channel of a color video image 110, and utilizing a second QP value 212 for at least one of the U and V color channels of the color video image 110, wherein the second QP value 212 for the first macroblock is less than the first QP

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value (col. 7, line 61 - col. 8, line 5), so that at least one of the U and V color channels has finer quantization resolution (col. 5, lines 41-50) than the Y luminance channel for the first macroblock (e.g. Tables 1-3).

With respect to claims 9, 10, 13, 14, 38, 39, 42, 43, 67, 68, 71, 72, and 88-90, Naimpally et al also discloses that the second QP value 212 is determined by applying a bias value to the first QP value (Fig. 6 and look up tables 1-3); compressing the color video image (Fig. 2, B-Y, R-Y), after application of the first and second QP values, to a compressed output image 116; and decompressing the compressed output image 116 using the first and second QP values to obtain an uncompressed video image 126.

(10) Response to Argument

Appellant asserts on page 9 of the Brief that Naimpally et al fails to disclose the particular relationship as specified in claim 8. However, Figure 2 of Naimpally et al illustrates the concept of such effect wherein the second QP value 116 is dependent only upon a relationship (e.g. col. 7, Tables 1-3, B-Y and R-Y) to the first QP value (i.e. luminance signal Y).

Appellant asserts on pages 10-12 of the Brief that the QP values of Naimpally et al are dependent upon a function on the nearly saturated macroblocks only. Nevertheless, it is submitted that the QP values of the chrominance blocks (B-Y and R-Y) of pixels are changed, upon a relationship to Y.

Appellant asserts on page 13 of the Brief that Naimpally et al discloses that the QP values are dependent upon a quantization divider. However, a different arithmetic formula is not recited in the claims. Without such specific limitation included in the

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claims, Examiner maintains that the invention of Naimpally et al is consistent with Appellant's disclosure in its broadest sense where QP values may be dependent upon one another in any relationship (e.g. see p. 4 of appellant's specification on luminance Y and chrominance compression relationships).

In response to appellant's argument on pages 14-15 of the Brief that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the current application permits the operator to decide how to control a magnitude of the effect of the balancing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner acknowledges that Naimpally et al may not describe a method identical to that disclosed by appellants. However, claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art," it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by

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it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983).

In conclusion, Examiner respectfully submits that Appellant's argument regarding independent claim 8 that the QP values are dependent upon a relationship is not necessarily limited to Appellant's only interpretation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Young Lee

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